

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	8:08CR92
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
ADAM SCHMID,	)	
	)	
Defendant.	)	

This matter is before the court on the motion to continue by defendant Adam Schmid (Schmid) (Filing No. 35). Schmid seeks a continuance of the trial of this matter which is scheduled for July 28, 2008. Schmid has retained new counsel. The motion will be granted upon the condition Schmid files an affidavit wherein he represents that he agrees to the motion and understands the additional time may be excludable time for the purposes of the Speedy Trial Act **on or before July 25, 2008**. Upon such consideration, the motion will be conditionally granted.

**IT IS ORDERED:**

1. Schmid's motion to continue trial (Filing No. 35) is conditionally granted.
2. Trial of this matter is re-scheduled for **August 25, 2008**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **July 17, 2008 and August 25, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 17th day of July, 2008.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge